

REMARKS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

In the present Application, Claims 1-4, and 6-13 are active. The present amendment amends independent Claim 1 without introducing any new matter, and cancels dependent Claim 5 without prejudice or disclaimer.

The October 28, 2009 Office Action rejected Claims 1-3, 5-8, and 10-11 under 35 U.S.C. § 103(a) as unpatentable over Jones et al. (Canadian Pat. App., CA 2,321,462, hereinafter “Jones”) in view of Fingerman et al. (U.S. Pat. No. 7,143,430, hereinafter “Fingerman”), in view of Yoshimine et al. (U.S. Pat. No. 6,963,898, hereinafter “Yoshimine”), and in view of Hasegawa et al. (U.S. Pat. Appl. Publ. No. 2004/0015992). Claim 4 was rejected under 35 U.S.C. § 103(a) as unpatentable over Jones in view of Fingerman and Yoshimine, and Hasegawa et al. in further view of Perlman (U.S. Pat. App. Pub. No. 2002/0184637.) Claim 9 was rejected under 35 U.S.C. § 103(a) as unpatentable over Jones in view of Fingerman and Yoshimine and Hasegawa et al. in further view of Ellis et al. (U.S. Pat. App. Pub. No. 2003/0149988, hereinafter “Ellis”). Claim 12 was rejected under 35 U.S.C. § 103(a) as unpatentable over Jones in view of Fingerman and Yoshimine, and Hasegawa et al. in further view of Slotznick (U.S. Pat. No. 7,058,356.) Claim 13 was rejected under 35 U.S.C. § 103(a) as unpatentable over Jones in view of Fingerman and Yoshimine, and Hasegawa et al. in further view of Mensch (U.S. Pat. App. Pub. No. 2002/0133824).

After a Request for Reconsideration that was filed under 37 C.F.R. § 1.116 on January 28, 2010, without amending any of the claims, an Advisory Action issued on February 19, 2010, upholding the rejections of the October 28, 2009 Office Action.

In response, Applicants' independent Claim 1 to recite features of dependent Claim 5, and to further recite that "wherein the quality parameters include information on display resolution of the respective display terminal, and transmission speed of the telecommunication network to the respective display terminal." These features find non-limiting support in Applicants' disclosure as originally filed, for example in the specification at page 12, lines 9-26. No new matter has been added.

Briefly summarizing, Applicants' independent Claim 1 is directed to a system for recording and playback of television signals from a plurality of television channels. The system includes, *inter alia*: an instruction unit configured to receive and store recording instructions from users via the telecommunication network, ***the recording instructions including a user identification of a mobile terminal, a channel number, recording timing, and quality parameters***, and configured to instruct the controlling central unit to select and store the television signals in the digital format on the storage unit based on the recording instructions, and a playback module configured to transmit the television signals stored in the digital format on the storage unit via the telecommunication network for playback to a display terminal associated to the user, the display terminal being identified by a network address that is linked to the user identification assigned to the respective stored television signals of the storage unit, and ***to transmit the television signals*** that are stored in the digital format on the storage unit, via the telecommunication network ***to the display terminal*** associated with the user, ***in a format that depends upon the quality parameters, wherein the quality parameters include information on display resolution of the respective display terminal, and transmission speed of the telecommunication network to the respective display terminal.***

As explained in Applicants' specification in a non-limiting example, the features of Applicants' independent Claim 1 allow the use of different transmission formats that are

configured based on a user's request, allows a more flexible system, because the data amount of the transmission could be directly adapted by the user, based on his considerations, such as available transmission speeds, desired image quality, and current costs for bandwidth in the network connection. Please note that this discussion above is provided for explanatory purposes only, and is shall not be used to limit the scope of the claims in any fashion.

Turning now to the pending rejections, the October 28, 2009 Office Action rejected the features of Applicants' dependent Claim 5 based on the teachings at column 3, lines 22-26 of the reference Fingerman. (See Office Action, p. 7, ll. 3-9). Moreover, the Office Action contended that the reference Fingerman can be properly combined with the references Jones, Yoshimine, and Hasegawa. (Office Action, p. 2, ll. 13-17, and p. 4, ll. 5-18.) Similar features of dependent Claim 5 are now incorporated into independent Claim 1, and without addressing the merits of the above contentions of the pending Office Action, Applicants respectfully submit that the combination of Jones, Fingerman, Yoshimine, and Hasegawa fails to teach all the features of Applicants' amended independent Claim 1, even if we would assume that these references can be combined.

In particular, Fingerman fails to teach the following features of Applicants' independent Claim 1:

an instruction unit configured to receive and store recording instructions from users via the telecommunication network, ***the recording instructions including . . . quality parameters***, and configured to instruct the controlling central unit to select and store the television signals in the digital format on the storage unit based on the recording instructions, and a playback module configured . . . ***to transmit the television signals. . . in a format that depends upon the quality parameters, wherein the quality parameters include information on display resolution of the respective display terminal, and transmission speed of the telecommunication network to the respective display terminal.***

(Claim 1, emphasis added, portions omitted.) Turning now to the applied reference,

Fingerman is directed to a client server 49 for receiving requests for remote storage of time-

scheduled media programs from a client 11, 13, 15, 16 over the Internet 17, and the delivery of such media programs in a specific streaming format to the respective clients 11, 13, 15, 16. (Fingerman, Abstract, ll. 1-5, Fig. 1.) Fingerman explains that a client 11 can contact a client server 49 of the media reception and delivery system via the Internet 17 to specify the program he wants to receive, as well as a streaming video format and data rate at which the program should be sent. (Fingerman, col. 3, ll. 22-26.) The client server 49 validates the client request and advises a scheduler portion of the delivery system of the desired program and the delivery format and data rate. (Fingerman, col. 3, ll. 26-29.)

Moreover, Fingerman explains that when a client first request a media program from request server 49, the desired streaming video format is specified with the request. (Fingerman, col. 6, ll. 55-59.) The scheduler 20, in response to the request information, identifies the requested playback format to the video digitizer selected to record the video program. (Fingerman, col. 6, ll. 59-61, Fig. 2.) The video digitizer then converts the uncompressed AVI of the video program into the requested format before storage in a high capacity store. (Fingerman, col. 6, ll. 61-64.) Accordingly, Fingerman describes a request made by the user that identifies a video format for transmission. But Applicants' independent Claim 1 now requires that there is a playback module that transmits the television signals in a format that depends upon a display resolution of the respective display terminal, and transmission speed of the telecommunication network to the respective display terminal. These features are not taught by the reference Fingerman.

In addition, the cited passages of the references Jones, Yoshimine, and Hasegawa, fail to remedy the deficiencies of Fingerman. Therefore, even if the combination of Jones, Fingerman, Yoshimine, and/or Hasegawa is assumed to be proper, the cited passages of the combination fails to teach every element of Applicants' Claim 1. Accordingly, Applicants respectfully traverse, and request reconsideration of this rejection based on these references.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 1-4 and 6-13 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicants' undersigned representative at the below listed telephone number.

Respectfully submitted,

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